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Attorney(s) for Plaintiffs

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEVADA**

In Re:

WILLIAM GAYLER,

Debtor.

Case No: BK-S-09-31603-MKN  
Chapter: 7

Adversary Proceeding No. 11-1027-MKN

JOHN D. O'BRIEN, AS TRUSTEE OF THE  
JOHN D. O'BRIEN PROFIT SHARING PLAN,  
DONALD CAMPBELL, COLBY WILLIAMS,  
MARIO P. BORINI, INDIVIDUALLY  
AND AS CHAIRMAN OF THE BOARD OF  
TRUSTEES OF THE ALEXANDER DAWSON  
FOUNDATION.

Plaintiffs,

v.

WILLIAM GAYLER

Defendant.

**NOTICE OF SUBPOENA PURSUANT TO RULE 9016**

PLEASE TAKE NOTICE that a Subpoena in an Adversary Proceeding ("Subpoena")  
pursuant to Bankruptcy Local Rule 9016 was issued to Nevada Title Company, a copy of the


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Subpoena with the Affidavit of Service attached hereto as Exhibit A.

Dated this 11<sup>th</sup> day of March, 2014.

MARQUIS AURBACH COFFING

By   
DALE A. HAYES, ESQ.  
Nevada Bar No. 3430  
LIANE K. WAKAYAMA, ESQ.  
Nevada Bar No. 11313  
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Las Vegas, Nevada 89145  
Attorneys for Plaintiffs

MARQUIS AURBACH COFFING

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Las Vegas, Nevada 89145  
(702) 382-0711 FAX: (702) 382-5816



**CERTIFICATE OF SERVICE**

1. On this 11th day of March, 2014, I served the following document(s) (specify):

Notice of Subpoena Pursuant to Rule 9016

2. I served the above-named document(s) by the following means to the persons as listed below (*check all that apply*):

☒ **a. ECF System** (*You must attach the "Notice of Electronic Filing," or list all persons and addresses and attach additional paper if necessary.*)

DAVID A. COLVIN on behalf of Plaintiff COLBY WILLIAMS  
dcolvin@maclaw.com, mwalters@maclaw.com

JEFFREY R. SYLVESTER on behalf of Defendant WILLIAM GAYLER  
jeff@sylvesterpolednak.com; tina@sylvesterpolednak.com; bridget@sylvesterpolednak.com

LIANE K. WAKAYAMA on behalf of Plaintiff COLBY WILLIAMS nknilians@maclaw.com,  
lwakayama@maclaw.com

☒ **b. United States mail, postage fully prepaid** (*List persons and addresses. Attach additional paper if necessary.*)

DIAMANTE ROSE, LLC  
2431 TECH CENTER CT.  
SUITE 100  
LAS VEGAS, NV 89128

FIRST AMERICAN TITLE INSURANCE  
COMPANY 3960 HOWARD HUGHES PKWY  
SUITE 380  
LAS VEGAS, NV 89129

LEWIS CELLARS, LLC  
2431 TECH CENTER CT.  
SUITE 100  
LAS VEGAS, NV 89128

NEVADA TITLE COMPANY  
2500 NORTH BUFFALO DRIVE SUITE  
150 LAS VEGAS, NV 89128



☐ **c. Personal Service** (*List persons and addresses. Attach additional paper if necessary.*)

I personally delivered the document(s) to the persons at these addresses:

☐ For a party represented by an attorney, delivery was made by handing the document(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the document(s) in a conspicuous place in the office.

☐ For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

☐ **d. By direct email (as opposed to through the ECF System)** (*List persons and email addresses. Attach additional paper if necessary.*)

Based upon the written agreement of the parties to accept service by email or a court order, I caused the document(s) to be sent to the persons at the email addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ **e. By fax transmission** (*List persons and fax numbers. Attach additional paper if necessary.*)

Based upon the written agreement of the parties to accept service by fax transmission or a court order, I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission is attached.

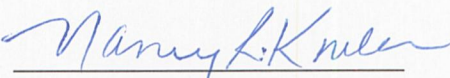
☐ **f. By messenger** (*List persons and addresses. Attach additional paper if necessary.*)

I served the document(s) by placing them in an envelope or package addressed to the persons at the addresses listed below and providing them to a messenger for service. (*A declaration by the messenger must be attached to this Certificate of Service.*)

**I declare under penalty of perjury that the foregoing is true and correct.**

Dated: March 11, 2014.

Nancy R. Knilans  
Name of Declarant

  
Signature of Declarant



# Exhibit A



B255 (Form 255 - Subpoena in an Adversary Proceeding) (12/07)

## UNITED STATES BANKRUPTCY COURT

District of Nevada

In re William Gayler,  
DebtorSUBPOENA IN  
AN ADVERSARY PROCEEDINGJohn D. O'Brien, as Trustee of the John D. O'Brien Profit  
Sharing Plan, et al., Plaintiff

Case No. \* BK-S-31603-MKN

V.

William Gayler,  
Defendant

Chapter 7

To: Custodian of Records, Nevada Title Company

Adv. Proc. No. \* 11-1027-MKN

☐ YOU ARE COMMANDED to appear in the United States Bankruptcy Court at the place, date, and time specified below to testify in the above adversary proceeding.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above adversary proceeding.

PLACE OF DEPOSITION

DATE AND TIME

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): Produce the entire file regarding Escrow No. 13-11-0589, including any title file that may exist.

PLACE

Marquis Aurbach Coffing, 10001 Park Run Drive, Las Vegas  
Nevada, 89145

DATE AND TIME

March 24, 2014 10:00 a.m.

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this adversary proceeding that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Rule 30(b)(6), Federal Rules of Civil Procedure, made applicable in adversary proceedings by Rule 7030, Federal Rules of Bankruptcy Procedure.

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR  
PLAINTIFF OR DEFENDANT)

Attorney for Plaintiffs

DATE

MARCH 7, 2014

ISSUING OFFICER'S NAME, ADDRESS, AND PHONE NUMBER

Liane K. Wakayama, Esq. Marquis Aurbach Coffing, 10001 Park Run Drive, Las Vegas, Nevada 89145 702-821-2444

\* If the bankruptcy case or the adversary proceeding is pending in a district other than the district in which the subpoena is issued, state the district under the case number or adversary proceeding number.



**AFFIDAVIT OF SERVICE**

STATE OF Nevada )  
 ) ss.  
COUNTY OF Clark )

**Richard Etienne, License No. 1506**, being duly sworn, says: that at all times herein  
affiant was and is over 18 years of age, not a party to nor interested in the proceeding in  
which this affidavit is made. That affiant received the **Subpoena in Adversary**  
**Proceeding, Letter to Custodian of Records for Nevada Title Company and**  
**Certificate of Custodian of Records, Witness Fee Check** on the 7<sup>th</sup> day of March,  
2014, and served the same on the 7<sup>th</sup> day of March, 2014 by delivering a copy to  
**Custodian of Reords for Nevada Title Company c/o Tonya Chou at 2500 N. Buffalo**  
**Dr. #250 Las Vegas Nevada 89128.**

I declare under penalty of perjury under the law of the State of Nevada that the  
foregoing is true and correct.

EXECUTED this 10<sup>th</sup> day of March, 2014.



Richard Etienne, #1506  
Report to Court  
5940 S. Rainbow Blvd.  
Las Vegas, Nevada 89118

No Notary Required per NRS 53.045